(1) The project is included in the conforming TIP and the design concept and scope of the project were adequate at the time of the TIP conformity determination to determine its contribution to the TIP's regional emissions and have not changed significantly from those which were described in the TIP, or in a manner which would significantly impact use of the facility; and

(2) If the TIP describes a project design concept and scope which includes project-level emissions mitigation or control measures, written commitments to implement such measures must be obtained from the project sponsor and/or operator as required by § 93.133(a) in order for the project to be considered from a conforming program. Any change in these mitigation or control measures that would significantly reduce their effectiveness constitutes a change in the design concept and scope of the project.

(d) *TCMs.* This criterion is not required to be satisfied for TCMs specifically included in an applicable implementation plan.

[58 FR 62235, Nov. 24, 1993, as amended at 60 FR 57185, Nov. 14, 1995]

§ 93.116 Criteria and procedures: Localized CO and PM$_{10}$ violations (hot spots).

(a) The FHWA/FTA project must not cause or contribute to any new localized CO or PM$_{10}$ violations or increase the frequency or severity of any existing CO or PM$_{10}$ violations in CO and PM$_{10}$ nonattainment and maintenance areas. This criterion applies during all periods. This criterion is satisfied if it is demonstrated that no new local violations will be created and the severity or number of existing violations will not be increased as a result of the project.

(b) The demonstration must be performed according to the requirements of §§ 93.105(c)(1)(i) and 93.131.

(c) For projects which are not of the type identified by § 93.131(a) or § 93.131(d), this criterion may be satisfied if consideration of local factors clearly demonstrates that no local violations presently exist and no new local violations will be created as a result of the project. Otherwise, in CO

nonattainment and maintenance areas, a quantitative demonstration must be performed according to the requirements of § 93.131(b).

§ 93.117 Criteria and procedures: Compliance with PM$_{10}$ control measures.

The FHWA/FTA project must comply with PM$_{10}$ control measures in the applicable implementation plan. This criterion applies during all periods. It is satisfied if control measures (for the purpose of limiting PM$_{10}$ emissions from the construction activities and/or normal use and operation associated with the project) contained in the applicable implementation plan are included in the final plans, specifications, and estimates for the project.

§ 93.118 Criteria and procedures: Motor vehicle emissions budget (transportation plan).

(a) The transportation plan must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan (or implementation plan submission). This criterion applies during the transitional period and the control strategy and maintenance periods, except as provided in § 93.136. This criterion may be satisfied if the requirements in paragraphs (b) and (c) of this section are met:

(b) A regional emissions analysis shall be performed as follows:

(1) The regional analysis shall estimate emissions of any of the following pollutants and pollutant precursors for which the area is in nonattainment or maintenance and for which the applicable implementation plan (or implementation plan submission) establishes an emissions budget:

(i) VOC as an ozone precursor;

(ii) NO$_x$ as an ozone precursor;

(iii) CO;

(iv) PM$_{10}$ (and its precursors VOC and/or NO$_x$ if the applicable implementation plan or implementation plan submission identifies transportation-related precursor emissions within the nonattainment area as a significant contributor to the PM$_{10}$ nonattainment problem or establishes a budget for such emissions); or

(v) NO$_x$ (in NO$_2$ nonattainment or maintenance areas);